

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR SMALL POWER PLANT  
EXEMPTION FOR THE RIVERSIDE ENERGY  
RESOURCE CENTER UNITS 3 & 4**

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**DOCKET No. 08-SPPE-1**

**COMMITTEE RESPONSE TO BRIEFS ON ELIGIBILITY  
FOR SPPE CONSIDERATION**

In response to the Committee Scheduling Order dated May 16, 2008, Applicant and Staff timely submitted briefs discussing whether the proposed Riverside Energy Resources Center (RERC) Units 3 & 4 project is potentially eligible for exemption as a Small Power Plant because its capacity will be less than 100 MW, or ineligible for exemption because the entire RERC facility will exceed 100 MW with the addition of Units 3 & 4. The Committee specifically requested that the briefs address the factual background surrounding the planning of the RERC as well as the compliance record for RERC Units 1 & 2.

The Committee has reviewed the briefs and considered the law and the facts as set forth therein. It appears, on the basis of the briefs, that at the time RERC Units 1 & 2 were submitted for consideration to the Commission under the Small Power Plant Exemption (SPPE) procedure, in 2004, the City anticipated that at some time in the future it would need to add capacity to the RERC. However, it was not possible with any accuracy at that time to predict when the additional capacity would be added, or what sort of facilities would be designed and built to provide that additional capacity. Therefore, there was no practicable way for the City to have submitted RERC Units 1, 2, 3, and 4 to the Commission in 2004 for review under the Application for Certification (AFC) process applicable to projects with a capacity in excess of 100 MW.

The Committee further takes note of the commendable record of RERC Units 1 & 2 with respect to compliance with the Conditions of Exemption issued by the Commission.

Accordingly, the Committee finds that, as to the matters discussed in the briefs, the RERC Units 3 & 4 project is eligible for consideration under the Commission's SPPE process. It is an addition of less than 100 MW to an existing thermal power plant, as set forth in section 1936 of Title 20, Chapter 5, California Code of Regulations. Applicant and Staff are directed to continue review and analysis of the project pursuant to the Scheduling Order issued by the Committee on May 16, 2008.

Dated June 5, 2008 at Sacramento, California

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KAREN DOUGLAS  
Commissioner and Presiding Member  
Riverside Energy Resource Center  
Units 3 & 4 SPPE Committee

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JAMES D. BOYD  
Vice Chair and Committee Member  
Riverside Energy Resource Center  
Units 3 & 4 SPPE Committee